

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 11-14 and 18-21 are now present in this application. Claim 11 is independent.

Claims 15-17 have been canceled, and claim 11 has been amended. Reconsideration of this application, as amended, is respectfully requested.

I. Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by reducing the number of pending claims, and by placing the claims in compliance with 35 U.S.C. § 112, 1st and 2nd Paragraphs. This Amendment was not presented at an earlier date in view of the fact that Applicants did not fully appreciate the Examiner's position until the Final Office Action was reviewed.

II. Objection to the Drawings

The Examiner has objected to the drawings as failing to comply with 37 C.F.R. § 1.83(a), stating that the vertical orientation of the disk drive, as recited in claims 15-17, is not illustrated.

In order to overcome this objection, Applicants have canceled claims 15-17.

The Examiner has objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference character "300" has been used to designate both the "balance lever" and "sensor lever" in Figure 12, for example.

In order to overcome this objection, Applicants are concurrently submitting Proposed Drawing Corrections for the Examiner's approval, which address the deficiencies pointed out by the Examiner. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

III. Rejection Under 35 U.S.C. § 112, 1st Paragraph

Claims 15-17 stand rejected under 35 U.S.C. § 112, 1st Paragraph. This rejection is respectfully traversed.

The Examiner states that the original specification does not disclose the vertical orientation of the disk drive, as recited in claims 15-17.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that claims 15-17 have been cancelled, thus rendering this rejection under 35 U.S.C. § 112, 1st Paragraph, moot. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

IV. Rejection Under 35 U.S.C. § 112, 2nd Paragraph

Claims 11-21 stand rejected under 35 U.S.C. § 112, 2nd Paragraph. This rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language lacks antecedent basis.

In order to overcome this rejection, Applicants have amended claim 11 to correct the deficiency specifically pointed out by the Examiner. Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

V. Rejection Under 35 U.S.C. § 102

Claims 11-14, 18 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Morikawa et al. (U.S. Patent No. 5,173,893). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Applicants respectfully submit that independent claim 11 recites a combination of elements in a disk transferring device including a holder guide unit which is connected with the balance guide unit and is operated by operation of the balance guide unit for guiding the disk moved by the moving unit and guiding the disk until the disk transfer is finished. Applicants respectfully submit that this combination of elements as set forth in independent claim 11 is not disclosed or made obvious by the prior art of record, including Morikawa et al.

Applicants respectfully submit that according to Morikawa et al., when the disc 106 is transferred and laid on the turntable 29, the disc 106 swings the swing arm 38, and the protrusion 38b of the swing arm 38 pushes the detecting pin 41. When the detecting pin 41 is pushed in this manner, the first link 42 is swung about the pin 142, thereby sliding the second link 43 to activate the loading arm operating mechanism 7.

When the second link 43 is moved, the lock claw 58 is close to and engaged with the engagement piece 131 of the centering arm 13 through the lock arm 57. When the lock claw 58 is engaged with the engagement piece 131, the rotation of the centering arm 13 is locked, and the additional disc insertion is prevented by the centering pins 18 and 19 of the centering arms 13 and 14 (See columns 7-8).

In the present invention, a holder guide unit, which the Examiner considers to correspond to the arm lock mechanism 59 in Morikawa et al., is connected with the balance guide unit and is operated by operation of the balance guide unit for guiding the disk moved by the moving unit and guiding the disk until the disk transfer is finished.

[In contrast, in Morikawa et al., the arm lock mechanism 59 is not operated by the centering arm 13, and moreover the arm lock mechanism 59 locks the rotation of the centering arm 13, differing from the claimed invention.] In addition, the holder guide unit of the claimed invention guides the disk while the arm lock mechanism does not. The respective units of the claimed invention operate by being connected with each other, but the arm lock mechanism 59 and the centering arm 13 in Morikawa et al. independently operate.

Applicants respectfully submit that the combination of elements as set forth in independent claim 11 is not disclosed or made obvious by the prior art of

record, including Morikawa et al., for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 12-14, 18 and 19, Applicants submit that claims 12-14, 18 and 19 depend, either directly or indirectly, from independent claim 11 which is allowable for the reasons set forth above, and therefore claims 12-14, 18 and 19 are allowable based on their dependence from claim 11. Reconsideration and allowance thereof are respectfully requested.

VI. Rejections under 35 U.S.C. § 103

Claims 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morikawa et al. (U.S. Patent 5,173,893) in view of Agostini (U.S. Patent No. 4,674,079). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Applicants submit that claims 20 and 21 depend, either directly or indirectly, from independent claim 11 which is allowable for the reasons set forth above, and therefore claims 20 and 21 are allowable based on their dependence from claim 11. Reconsideration and allowance thereof are respectfully requested.

VII. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a one-month(s) extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$110.00** is attached hereto.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

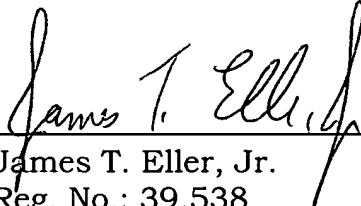
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Amendment filed May 27, 2003
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Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 15-17 have been canceled.

Claim 11 has been amended as follows:

11. (Amended) A disk transferring device for a disk drive,
comprising:

a moving unit for being contacted to one surface of a disk and rotated by
the force of a driving source for thereby moving the disk;

a balance guide unit for guiding **[an inserted] the** disk for thereby
precisely inserting the disk;

a holder guide unit which is connected with the balance guide unit and
is operated by operation of the balance guide unit for guiding the disk moved
by the moving unit and guiding the disk until the disk transfer is finished;

a selection guide unit which is connected with the holder guide unit for
positioning the disk according to the size of the **[inserted]** disk; and

a clamping driving unit for clamping the disk, the clamping driving unit
being interlocked with the selection guide unit.